

**DURHAM, NORTH CAROLINA  
MONDAY, JANUARY 5, 2009  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read a proclamation designating January 2009 as National Mentoring Month and January 22, 2009 as Thank Your Mentor Day presented to Renorda Herring, Executive Director of Durham Companions who made comments.

Council Member Woodard congratulated police officers who participated in the N C Police Combat Pistol League, made comments on the opening of a new restaurant—Revolution and announced that the Pizza Palace had closed its doors last week.

Council Member Clement acknowledged the passing of James M. Schooler, Sr. and requested a resolution; congratulated Sarah Woodard for being awarded the Durham Grit Award by *The Durham Herald-Sun* for her volunteer work and Alexander Catotti for being awarded the Eagle Award--the highest award for boy scouts. Mr. Clement thanked City Manager Bonfield for being a part of the annexation hearings held in Raleigh and asked that the Adam & Eve project be discussed at the January 8, 2009 City Council Work Session.

Mayor Pro Tempore Cole-McFadden requested a Resolution Memorializing Trevor Spain, congratulated the Inter-Denominational Ministerial Alliance on the Emancipation Proclamation service held New Year's Day and on sponsoring a city-wide revival this week at St. Mark AME Zion Church.

Council Member Catotti thanked her colleagues for attending the service in which her son, Alexander, was awarded the Eagle Scout Award and congratulated Police Officer Stephen Mihaich's son for achieving Eagle Scout in December.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Bonfield informed Council that a supplemental item has been added to the agenda-- Item #28 Neighborhood Stabilization Program and Application Submittal.

**MOTION** by Council Member Clement seconded by Council Member Woodard to accept the City Manager's priority item was approved at 7:14 p.m. by the following vote: Mayor Bell,

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Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Pro Tempore Cole-McFadden congratulated Beverly Thompson for being named a deacon of Covenant Presbyterian Church.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. A citizen pulled Consent Agenda Items 12, 13 and 14.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve the Consent Agenda as amended was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve City Council minutes for the November 17, 2008 and December 1, 2008 City Council Meetings; and

To approve City Council action taken at the November 6, 2008 City Council Work Session was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAYOR'S NOMINEE FOR APPOINTMENT - HOUSING APPEALS BOARD**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to appoint S. Celeste Toombs as a Mayor's Appointee-Regular Member to the Housing Appeals Board with the term to expire on June 30, 2011 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: HOUSING APPEALS BOARD - RECEIVE AND ACCEPT AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) Alternate Member vacancy on the Housing Appeals Board to represent LAW with the term to expire on June 30, 2010 was

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approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MAYOR'S NOMINEE FOR REAPPOINTMENT - RALEIGH-DURHAM AIRPORT AUTHORITY**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reappoint Robert D. Teer, Jr. as Mayor's Appointee to the Raleigh-Durham Airport Authority with the term to expire on January 1, 2011 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PIGGYBACK PURCHASE – SEVEN AUTOMATED ARM REFUSE COLLECTION VEHICLES - AMICK EQUIPMENT COMPANY, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to enter into a contract with Amick Equipment Company, Inc., in the amount of \$765,121.00, for providing the City with seven Automated Arm Refuse Collection Vehicles; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BID REPORT – NOVEMBER 2008**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of November 2008 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Date:** December 2, 2008

**To:** Thomas J. Bonfield, City Manager

**Through:** Wanda S. Page, Deputy City Manager  
Keith Herrmann, Interim Finance Director

**From:** Joseph W. Clark, CLGPO, Purchasing Manager

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**Subject:** Bid Report – November 2008

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of **November 2008**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: Repair Raw Water Pump at Brown WTP**

Purpose of Bid:

Comments:

Opened: October 18, 2008

Bidders:	Electrical Equipment Company	*\$13,555.00
	Raleigh, NC	
	Electric Motor Shop	\$14,915.00
	Wake Forest, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	82		# Black Males	8	15%
Total # Females	30	37%	# White Males	44	85%
Total # Males	52	63%	# Other Males	0	0%
			# Black Females	5	17%
			# White Females	24	80%
			# Other Females	1	3%

2. **Bid: Furniture for the 3<sup>rd</sup> Floor City Hall Renovations/Public Works Transportation Division**

Purpose of Bid:

Comments: This furniture will match the existing furniture already purchased from Kennedy Office Supply.

Opened: October 27, 2008

Bidders:	Kennedy Office Supply	*\$13,869.00
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Raleigh, NC

\*Awarded based on: \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	49		# Black Males	13	26.5%
Total # Females	14	28.6%	# White Males	22	44.8%
Total # Males	35	71.4%	# Other Males	0	0%
			# Black Females	13	26.5%
			# White Females	1	2.2%
			# Other Females	0	0%

3.     **Bid:**                    **One (1) 24-ton equipment trailer**

Purpose of Bid:            To provide the Street Maintenance division with an equipment trailer.

Comments:

Opened:                  November 5, 2008

Bidders:	Gregory Poole Equipment Co.	* \$15,272.00
	Raleigh, NC	
	Carter Machinery Company	\$16,765.00
	Salem, VA	

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	512		# Black Males	41	8%
Total # Females	68	13%	# White Males	386	75%
Total # Males	444	87%	# Other Males	17	3%
			# Black Females	5	1%
			# White Females	60	12%
			# Other Females	3	1%

4.     **Bid:**                    **Valve Turing and Maintenance System**

Purpose of Bid:            To provide the Water Management Department with a Valve Turing and Maintenance System

Comments:                This system is designed to turn all water valves safely for emergencies

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and routine maintenance.

Opened: October 30, 2008

Bidders: E. H. Wachs Company \* \$48,957.50  
Lincolnshire, IL  
Intermountain Sales, Inc. \$52,757.50  
Englewood, CO

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	21		# Black Males	1	5%
Total # Females	4	19%	# White Males	16	76%
Total # Males	17	81%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	14%
			# Other Females	1	5%

**5. Bid: 83LF of Coated Arch Pipe for street construction repair**

Purpose of Bid: To purchase pipe to make emergency repairs at 100 Fox Hunt

Comments: Eight vendors were contacted and only one was able to supply the needed materials.

Opened: October 23, 2008

Bidders: Contech Construction Products \*\$14,988.51  
Raleigh, NC

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1926		# Black Males	51	3.2%
Total # Females	344	17.9%	# White Males	1409	89.1%
Total # Males	1582	82.1%	# Other Males	122	7.7%
			# Black Females	3	0.9%
			# White Females	318	92.4%
			# Other Females	23	6.7%

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**6. Bid: Sewer and Storm Drain Pole Camera and Accessories**

Purpose of Bid: To provide the Stormwater Services Division with a Pole Camera

Comments:

Opened: November 5, 2008

Bidders:	Public Works Equipment & Supply, Inc.	* \$16,633.45
	Monroe, NC	
	Virginia Public Works Equipment	\$17,543.00
	Ashland, VA	
	Envirosight	\$18,710.50
	Randolph, NJ	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	1	17%
Total # Females	2	33%	# White Males	3	50%
Total # Males	4	67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	33%
			# Other Females	0	0%

**7. Bid: Pulsafeeder Repair Parts**

Purpose of Bid: These repair parts are for work being done at North Durham-WRF on pumps in Bio-Solids building.

Comments: Pulsafeeder is the sole source provider for these parts.

Opened: November 6, 2008

Bidders:	Pulsafeeder, Inc.	*\$12,639.60
	Rochester, NY	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

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Total Workforce	6		# Black Males	0	0%
Total # Females	3	50%	# White Males	3	50%
Total # Males	3	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	3	50%
			# Other Females	0	0%

**8. Bid: Skyline Snowflakes Animated Ice and Snowflake Fountains**

Purpose of Bid: Purchase decorations for the General Services Department. These snowflakes and fountains will be used in the downtown area.

Comments: These decorations match the existing decorations.

Opened: November 18, 2008

Bidders:	Mosca Design, Inc.	*\$23,271.50
	Raleigh, NC	
	Rileighs Outdoor Décor	\$23,758.00
	Bethlehem, PA	
	Temple Display, Ltd.	\$27,067.00
	Oswego, IL	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	8		# Black Males	0	0%
Total # Females	4	50%	# White Males	4	50%
Total # Males	4	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	50%
			# Other Females	0	0%

**9. Bid: ProMinent Pump and Valve**

Purpose of Bid: To provide a new pump and valve for the Sodium Hypchlorite (Chlorine) System at the Brown WTP.

Comments: Daparak, Inc. is the regional distributor for these parts.

Opened: November 17, 2008



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Bidders: Daparak, Inc.  
Raleigh, NC

\*\$10,695.00

\*Awarded based on: \_\_\_\_\_ Low Bid X Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	16		# Black Males	1	14%
Total # Females	6	31%	# White Males	9	55%
Total # Males	10	69%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	6	31%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: PIGGYBACK PURCHASE – ONE (1) 104 FT. AERIAL LADDER -  
SUTPHEN CORPORATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to enter into a contract with the Sutphen Corporation, in the amount of \$753,582.95, for providing the City with one (1) 104 ft. Aerial Ladder; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCES – LINCOLN PARK WEST – LENOX  
SUBDIVISION – PHASE II**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to accept the streets on the list for maintenance by the City of Durham was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Lincoln Park West

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- 1) Presidential Drive – from the east curb line of S. Miami Boulevard east then south to the existing pavement @ STA 31+74.56 (2,145’.)

**Lenox Subdivision – PH II**

- 1) Ellisfield Drive – from the end of PH I @ STA 1+05 south through the cul-de-sac (629’) and,
- 2) Burwell Court – from the centerline of Ellisfield Drive northwest through the cul-de-sac (136’) and,
- 3) Radley Place – from the centerline of Ellisfield Drive east through the cul-de-sac (201.)

**SUBJECT: FY 2009-2010 ANNUAL ACTION PLAN "NEEDS" PUBLIC HEARING**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to set a public hearing on the FY 2009-2010 Annual Action Plan “Needs” to be held on January 21, 2009 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: THE U.S. MARSHALS SERVICE (USMS) FY 2009 MIDDLE DISTRICT OF NORTH CAROLINA JOINT FUGITIVE TASK FORCE MEMORANDUM OF UNDERSTANDING**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute the memorandum of understanding with the U.S. Marshals Service for the FY 2009 Middle District of North Carolina Joint Fugitive Task Force Agreement; and

To adopt the FY 2009 Middle District of North Carolina Joint Fugitive Task Force Project Ordinance in the amount of \$4,000.00 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13752**

**SUBJECT: AGREEMENT BETWEEN CARY AND DURHAM RESPECTING MUTUAL AID FOR WATER SUPPLY AND DELINEATING WATER AND SEWER SERVICE AREAS**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute an agreement between Cary and Durham Respecting Mutual Aid for Water Supply and Delineating Water and Sewer Service Areas; and

To authorize the City Manager to modify the agreement before execution provided the modifications are consistent with the general intent of the version of the agreement approved by City Council was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**The City Council disposed of the following agenda items at the December 18, 2008 Work Session:**

**9. Home CHDO Grant Agreement Between the City of Durham and DHIC, Inc.**

To authorize the expenditure of \$300,000.00 in HOME CHDO funds; and

To authorize the City Manager to execute a HOME CHDO Grant Agreement and other related documents with DHIC, Inc. for the Maplewood Square Senior Housing Project in the amount of \$300,000.00; and

To authorize the City Manager to modify the Agreement and other related documents provided that the modifications do not increase the dollar amount of the Agreement and do not lessen the obligations of the non-profit.

**[This item was approved at the 12-18-08 Work Session with a vote of 6/0]**

**22. Eno River Association**

To receive comments from Robin Jacobs regarding the 2009 Eno River Association Calendars.

**[Comments were received at the 12-18-08 Work Session]**

**23. Southern Anti-Racism Network**

To receive comments from Theresa K. El-Amin regarding the PEG Channel Issue.

**[Citizen did not appear at the 12-18-08 Work Session per citizen's request]**

**24. JRuth, Inc./DIVAS**

To receive comments from Johnetta Alston regarding the DIVAS Program.

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**[Comments were received at the 12-18-08 Work Session and certificates presented]**

**25. October – November 2008 Monthly Crime Report**

To receive a presentation on the October – November 2008 Monthly Crime Report.

**[A presentation was received at the 12-18-08 Work Session]**

**26. An Update on the Proposed Jordan Lake Nutrient Management Rules**

To receive an update on the proposed Jordan Lake Nutrient Management rules.

**[A presentation was received at the 12-18-08 Work Session]**

**27. Suspension of Municipal Agreement for Road Maintenance**

[A report was received at the 12-18-08 Work Session]

**[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT –  
UNATTENDED CLOTHING DONATION CONTAINERS (TC0800004)**

To receive public comments on the Unified Development Ordinance (UDO) Text Change – Unattended Clothing Donation Containers (TC0800004); and

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations.

City/County Planning Director Steve Medlin briefed Council on the text amendment that will amend article 5 of the UDO to prohibit unattended clothing donation containers unless they are located at the operational site of an organization that collects donated clothing as a primary business function. He briefed Council on the staff report providing background information highlighting that unattended clothing donation containers currently generate numerous complaints from citizens and that members of the Joint City-County Planning Committee asked staff to assess regulating their placement and appearance. Also, he discussed the following issues: unattended clothing donation containers are placed throughout the city and county without authorization; material is allowed to accumulate outside of containers; material attracts vermin and poses a public health hazard and raised enforcement issues. Mr. Medlin stated given challenges and the numerous problems caused by clothing containers throughout Durham, prohibition would best promote the public health, safety and general welfare and that the Planning Commission recommended approval of this text amendment.

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Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore seconded by Council Member Woodard to receive public comments on the Unified Development Ordinance (UDO) Text Change – Unattended Clothing Donation Containers (TC0800004); and

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 5, Use Regulations was approved at 7:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13756**

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – BEEKEEPING (TC0800005)**

To receive public comments on the Unified Development Ordinance (UDO) and Revised City Code Text Change – Beekeeping (TC0800005); and

To adopt an ordinance amending the Unified Development Ordinance and the Revised City Code, incorporating revisions to Article 5, Use Regulations, and Article 16, Definitions, of the UDO and Chapter 6, Animals, of the Revised City Code.

City/County Planning Director Steve Medlin briefed Council on the text amendment that would amend the Unified Development Ordinance and the revised City Code to allow beekeeping throughout the City of Durham. He stated staff is recommending approval and the Planning Commission recommended approval of this text amendment.

Mayor Bell opened the public hearing.

Donna Devanney made comments in support of this item stating she has been beekeeping in Durham for six years. She discussed the number of hives she has, the importance of honey bees and that there have been no complaints from her neighbors since she has been beekeeping.

Council Member Clement made comments in support of this item since he has not heard of any problems and on the importance of bees.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the Unified Development Ordinance (UDO) and Revised City Code Text Change – Beekeeping (TC0800005); and

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To adopt an ordinance amending the Unified Development Ordinance and the Revised City Code, incorporating revisions to Article 5, Use Regulations, and Article 16, Definitions, of the UDO and Chapter 6, Animals, of the Revised City Code was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13757**

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – FEMALE CHICKENS (TC0800006)**

To receive public comments on the Unified Development Ordinance (UDO) Text Change – Female Chickens (TC0800006);

To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 2, Review Authority, Article 3, Applications and Permits, Article 5, Use Regulations, and Article 16, Definitions; and

To adopt an Ordinance to Impose Fee for Limited Agriculture Permit.

City/County Planning Director Steve Medlin briefed Council on the text amendment that would revise the Unified Development Ordinance to allow citizens throughout the city to keep a limited number of female chickens for personal use with a permit and subject to certain standards. He reported this amendment has been requested by DurhamHENS, an initiative of SEEDS; briefed Council on the staff report highlighting that chickens are currently regulated under the revised City Code and the UDO, and there are several sections of the UDO that prohibit keeping chickens in most urban and suburban residential zoning districts because of the existing performance standards that require all livestock to be kept at a minimum of 300 feet along the property line. He made comments on the proposed standards and questions raised at the Work Session by the Council Members related to: notification agreement by surrounding property owners, information related to public health issues and input from Durham County Animal Control--enforcement. He asked that this item be continued to the February 2, 2009 City Council Meeting to allow staff additional time to investigate and research questions raised by Council.

Mayor Bell opened the public hearing.

Council Member Clement asked that representatives from the Health Department be present at the February 2, 2009 City Council Meeting to discuss the bird flu and will chickens attract rats and snakes. Also, he requested information on the limit of chickens in any yard, department responsible for monitoring program and the impact this effort would have on property values.

Council Member Ali asked staff to provide the number of permits currently out on chicken coops.

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Council Member Clement asked staff to provide the maximum number of chickens per coop.

Mayor Bell made comments on the notification process stating property owners should have their consent notarized and provided with a copy of the ordinance.

City/County Planning Director Steve Medlin provided background on this request made by the DurhamHens last spring. He made comments on the review by the Joint City/County Planning Committee, staff research of other jurisdictions, the public hearing process and the Planning Commission's review.

Mayor Bell expressed concern with the property rights issue--when does the property owner consent to a chicken coop being placed adjacent to the property owner.

Council Member Brown asked staff the following questions that were answered by staff: who is responsible for the supervision of the ordinance, will there be a need for a site plan, and do other jurisdictions allow permission by neighbors to install a chicken coop.

City/County Planning Director Steve Medlin reported staff from the Planning and Inspections Departments will do the initial permitting of the request with the on-going enforcement being assigned to the zoning staff of the Planning Department. He also reported a site plan would not be required only a plat plan. Mr. Medlin stated there are a few jurisdictions that have some type of provision for notification of adjacent property owners and one jurisdiction that requires a minor special use permit; however, staff is continuing to research this issue.

Council held discussion on the cities that allow a chicken coop, enforcement--who/how and demographic makeup of individuals requesting ordinance.

Kavanah Ramsier, representing DurhamHens, made comments in support of this text amendment. She made comments on the research by the organization of other cities that allow hens, stated female chickens could be a benefit to the citizens of Durham and that the noise, food, smell, rats and snakes would not be an issue. Also, she stated this would be an opportunity for citizens to provide local food, and as an educational tool. In addition, she spoke in favor of delaying this issue until February to receive additional information related to public health and on the cities that allow chickens.

Derek Cholon expressed concern with adjacent property owners receiving permission since no permission is needed regarding dogs or other animals that can cause nuisance and annoy neighbors.

Kelly Suttles spoke in support of this item commenting on the research by the organization and the cities within North Carolina that do allow chickens and from their report there were no significant concerns reported from the Animal Control offices. Finally, she stated there should be no health concerns with owning chickens within the city.

John Suttles made comments on the environmental issues stating keeping chickens, if done properly, is a clean, helpful way to provide low cost eggs to citizens who choose to have

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chickens. Chickens are far less risky than cats, dogs and other animals that are allowed in the City and they provide an excellent way to teach children about responsibility and discipline. He urged Council to approve this amendment.

Teresa Anderson spoke in support of this request noting it would help her budget.

Christine Rasmussen made comments in favor of this amendment because of economic conditions.

Kavanah Ramsier, representing DurhamHENS addressed the diversity of advocates working on this issue and announced SEEDS will be hosting workshops for citizens who are interested in keeping chickens.

Council Member Clement urged the proponents to have a diverse group at the February 2, 2009 City Council Meeting asking for support of this request.

Mayor Bell announced this item will be discussed at the January 22, 2009 City Council Work Session.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing on this item to the February 2, 2009 City Council Meeting was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING – 1,656 LINEAR FEET OF LEMUR LANE  
(SC0800012) – DUKE UNIVERSITY – WEST OF US 15/501, EAST OF  
ERWIN ROAD AND SOUTH OF NC751**

City/County Planning Director Steve Medlin briefed Council on the street closing requested by Duke University. He stated the right-of-way is an improved paved surface used primarily as the access to the Duke University Lemur Center and the distribution of the right-of-way will go to Duke University as the single property owner of adjacent parcels. He stated this request has been submitted to service agencies for review and comment and no adverse impacts have been identified with the proposed street closing and staff is recommending approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive public comments on the permanent closing of 1,656 linear feet of Lemur Lane, west of US 15/501, east of Erwin Road and south NC 751; and



**January 5, 2009**

To adopt an Order permanently closing 1,656 linear feet of Lemur Lane was approved at 8:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13755**

**SUBJECT: PLAN AMENDMENT – EVALUATION AND ASSESSMENT REPORT  
(A0800005)**

To receive public comments on the Evaluation and Assessment Report (A0800005); and

To rectify the Future Land Use Map of the Durham Comprehensive Plan by approving the map changes that the County Board of Commissioners adopted in 2007.

Staff Recommendation: Approval, based on the justification and meeting the four criteria for plan amendments

Planning Commission Recommendation: Approval, 13-0, August 12, 2008, based on the justification and meeting the four criteria for plan amendments.

City/County Planning Director Steve Medlin stated the Durham Comprehensive Plan adopted in February 2005 requires the Planning Department to submit an annual evaluation and assessment report to the governing boards highlighting progress on implementing the plan during the past year and this is the third installment since adoption of Comprehensive Plan. He stated the report includes a summary of accomplishments in implementing the Durham Comprehensive Plan, 2007 adopted plan amendments, proposed new policies and updated the land use demand projections.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive public comments on the Evaluation and Assessment Report (A0800005); and

To rectify the Future Land Use Map of the Durham Comprehensive Plan by approving the map changes that the County Board of Commissioners adopted in 2007 was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: PUBLIC HEARING AND ORDINANCE REGARDING AN ANNEXATION  
AGREEMENT BETWEEN DURHAM AND CARY**

**January 5, 2009**

Don Greeley, of Water Management, briefed Council on the annexation agreement between the Town of Cary and Durham. He stated the existing agreement expired on December 31, 2008 and the new agreement would extend for 20 years with no changes to the existing boundary line.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments on the agreement between Durham and Cary to establish a mutual boundary for future annexations by both cities; and

To adopt an ordinance establishing an annexation agreement between Durham and Cary for the mutual boundary line between these two municipalities was approved at 8:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13758**

**[SUPPLEMENTAL ITEM]**

**SUBJECT: NEIGHBORHOOD STABILIZATION PROGRAM PUBLIC HEARING  
AND APPLICATION SUBMITTAL**

Victoria Peterson asked that a task force be put in place for this grant and raised a concern with timing of the application deadline with no input from the Partners Against Crime [PAC] or the public.

City Manager Bonfield made comments stating the Community Development staff would contact Ms. Peterson for input and if there are others interested to have them contact staff.

Council Member Ali provided background information on this grant application.

City Manager Bonfield stated there would be an opportunity for comments at the public hearing scheduled for January 21, 2009.

Council Member Clement informed Ms. Peterson that PAC 4 will be meeting on January 10 at 10:00 a.m.

**MOTION** by Council Member Clement seconded by Council Member Ali to set a public hearing on January 21, 2009 to receive citizen comments on the (Neighborhood Stabilization Program) application; and

To authorize the Mayor and City Manager to execute all administrative requirements and contractual documents necessary to submit an application for and to implement the NSP Program including all program agreements and related documents was approved at 8:33 p.m. by the

**January 5, 2009**

following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: THE USE OF CONTROLLED SUBSTANCE ABUSE FUNDS AND  
FEDERAL ASSET FORFEITURE FUNDS**

Victoria Peterson asked that Council require a report at the end of the year on the amount of federal dollars that have come in that we are using for crime abatement, intervention and prevention. She asked if some of these federal monies could be utilized for intervention and prevention instead of law enforcement equipment.

Stephen Mihaich, of the Police Department, commented on the use of these funds for law enforcement purposes and stated he will report back whether these funds can be used for intervention and prevention.

Mayor Pro Tempore Cole-McFadden asked staff to provide the amount of asset forfeiture funds available on Thursday.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the Use of Controlled Substance Abuse Funds and Federal Asset Forfeiture Funds in an amount not to exceed \$221,120.00 to purchase equipment that will be used to upgrade or replace equipment in the department to allow personnel to execute their daily responsibilities in the most efficient manner possible was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: 2007-08 JOB ACCESS REVERSE COMMUTE (JARC) & NEW  
FREEDOM (NF) GRANT PROJECT ORDINANCES**

Victoria Peterson requested that some of these funds be set aside to allow 12 citizens between the ages of 24 - 30 obtain their commercial driver's license [CDL] for DATA.

Deputy City Manager Ted Voorhees made comments stating none of these monies can be used for that purpose.

**MOTION** by Council Member Ali seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham and US Department of Transportation - Federal Transit Administration – Section 5316, Job Access Reverse Commute (JARC) Funds Grant by executing the grant documents;

**January 5, 2009**

To adopt the City of Durham and US Department of Transportation - Federal Transit Administration – Section 5316, Job Access Reverse Commute (JARC) (Section 5316) Grant Project Ordinance in the amount of \$403,686.00;

To authorize the City Manager to accept the City of Durham and US Department of Transportation - Federal Transit Administration – Section 5317, New Freedom (NF) Funds Grant by executing the grant documents; and

To adopt the City of Durham and US Department of Transportation - Federal Transit Administration – Section 5317, New Freedom (Section 5317) Grant Project Ordinance in the amount of \$103,806.00 was approved at 8:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13753 and 13754**

**SUBJECT: CONTRACT ST-233, 2009 STREET REPAIRS AND RESURFACING -  
BARNHILL CONTRACTING COMPANY**

To authorize the City Manager to execute a contract for ST-233, 2009 Street Repairs and Resurfacing, with Barnhill Contracting Company in the amount of \$3,826,624.00;

To establish a contingency fund in the amount of \$573,993.60 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$573,993.60 and the total project cost does not exceed \$4,400,617.60.

Victoria Peterson made comments on the streetscape project stating African American males are being looked over for jobs and urged that the minority policy be revisited requesting a breakdown of percentages.

Mayor Bell made comments on the goals for this project made by Barnhill.

Ed Venable, of the Public Works Department, made comments on Barnhill's good faith efforts.

Mayor Bell asked if this item could be held until he received information on the good faith efforts of Barnhill at the Work Session.

Council Member Ali asked staff to invite the superintendent of Barnhill Contracting Company to be present at the Work Session to explain his work relative to minority participation and reported that population cannot be used as a criterion for employment.

Mayor Pro Tempore Cole-McFadden asked the City Attorney to advise Council on Thursday as to how Council could monitor the workforce stats for any company doing business with the City of Durham.

**January 5, 2009**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Ali to refer this item to the January 8, 2009 City Council Work Session was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: EXCUSED ABSENCE – COUNCIL MEMBER BROWN**

Council Member Brown requested an excused absence from the January 8, 2009 City Council Work Session due to a prior commitment.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Ali to excuse Council Member Brown from the January 8, 2009 Work Session was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell announced that the next City Council Meeting has been scheduled for Wednesday, January 21, 2009 at 7:00 p.m.

There being no further business to come before the City Council, the meeting was adjourned at 9:01 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC  
City Clerk